(4)

IN THE HIGH COURT OF JUDICATURE AT JABALPUR.

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W.P. NO. 5734 /1998

PETITIONER: Dhirendra Mishra Son of late R.S. Mishra aged about 58 years, occupation Advocate R/o Shyam Sadan Tilak Nagar, Bilaspur (M.P.).

Versus

RESPONDENTS:

1. State of M.P. through the Chief Secretary, Mantralaya, Bhopal.
2. State of M.P. through the Secretary, Department of Revenue, Mantralaya, Bhopal.
3. Shri S.C. Shukla, Under Secretary, Department of Revenue, Mantralaya, Bhopal.
4. Commissioner, Bilaspur Division, Bilaspur.
5. Shri M.K. Raut, I.A.S. Collector, Raipur (the then Collector Bilaspur, M.P.).
6. Collector (Nazul Branch) Bilaspur.
7. Shri Rajendra Prasad Shukla S/o late Sidhanath Shukla, Cabinet Minister, General Administration Department

..2..

S/C Nayak

(5)

and Law and Legislative Affairs
resident of Kududand Bilaspur,M.P.

PETITION UNDER ARTICLES 226/227 OF THE CONSTITUTION OF INDIA:

DETAILS OF PETITION

XI-HC-22

उच्च न्यायालय, छत्तीसगढ़, बिलासपुर

(140)

आदेश पत्रक

मामला क्रमांक W.P.NO.5734/98 सन् 200

विरुद्ध

आदेश का दिनांक आदेश क्रमांक सहित	आदेश हस्ताक्षर सहित	कार्यालयीन मामलों में डिप्टी रजिस्ट्रार के अन्तिम आदेश
	30/07/2004 Shri Praveen Das, counsel for the petitioner. Shri Sumesh Bajaj, Deputy Govt. Advocate for the respondents No. 1, 2, 4 and 6. Dr. N.K. Shukla, Sr. counsel with Shri Shailendra Shukla, counsel for the respondent no.7. Heard on I.A.No.5156/2004 whereby the counsel for the petitioner has moved an application that he wants to withdraw the instant petition. Therefore, withdrawal of the petition may be permitted with liberty to file a detailed representation before respondents No. 1 and 2 regarding the subject matter of the writ petition to which reply has been filed by counsel for the respondent no.7. Perusal of the proceedings reveals that there is already stay in favour of the petitioner. Stay was passed on 08/12/98 which was confirmed by the Court on 21/04/1999 and parties were directed to maintain status quo. The grievance raised by the counsel for respondent no.7 is that the petition may be decided on merit. In view of the huge pendency, it is not possible to hear this writ petition. It is the settled law that the petitioner is the Master of the petition and whenever he wants he can withdraw his petition. He cannot be forced to continue with the writ petition. Moreover, operation of the stay is in favour of the petitioner after hearing both the parties and even then, he is withdrawing this petition and	

उच्च न्यायालय, छत्तीसगढ़, बिलासपुर

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आदेश पत्रक

मामला क्रमांक ..... सन् 200

..... विरुद्ध .....

आदेश का दिनांक आदेश क्रमांक सहित	आदेश हस्ताक्षर सहित -2-	कार्यालयीन मामलों में डिप्टी रजिस्ट्रार के अन्तिम आदेश

requesting that the petitioner may be allowed to make a detailed representation.

Counsel for the respondent no.7 submits that if the petitioner is allowed to make a detailed representation then there is every chance of serious prejudice to respondent no.7. He further submits that the land in question has already been allotted to him on lease for 30 years.

Having heard the learned counsel for the parties and having regard to the facts and circumstances of the case, I.A.No.5156/2004 is allowed. The writ petition is dismissed as withdrawn and the petitioner is allowed to make a detailed representation to respondents No. 1 and 2. Before taking any decision on the representation made by the petitioner, they should give an opportunity of hearing to respondent no.7 in case they want to take any adverse decision against the interest of respondent No.7. The representation should be decided by the respondents No. 1 and 2 on its own merits in accordance with law.

Sd/-
L.C.BHADOO
Judge

[पीछे देखिये